

**REMARKS**

The following remarks are responsive to the October 3, 2006 Office Action. Claims 1, 6-8, and 10-16 remain as previously presented, and Claims 2-5 and 9 remain as originally filed. Thus, Claims 1-16 are presented for further consideration.

**Response to Rejection of Claims 1-3 and 12-14 Under 35 U.S.C. § 102(e)**

In the October 3, 2006 Office Action, the Examiner rejects Claims 1-3 and 12-14 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0054068 ("Ellis I").

**Claims 1-3**

As previously presented, Claim 1 recites (emphasis added):

1. A method of generating a menu representing a viewing sequence of display contents during a viewer's viewing session, comprising:  
**recording first video data associated with a first plurality of display contents using a preference engine to select the display content;**  
selectively recording second video data associated with a second plurality of display contents upon a viewer selecting the display content;  
defining a viewing session;  
**defining a third plurality of display contents based upon available broadcast display contents during the viewing session and selected based upon the preference engine; and**  
displaying a menu screen of viewing choices, wherein **the menu screen comprises at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents.**

In certain embodiments, as discussed in the present specification (*e.g.*, at page 9, lines 8-14 and in FIG. 3), a menu screen of certain embodiments is displayed comprising at least one display content from each of the first, second, and third pluralities of display contents.

Applicants submit that Ellis I does not disclose all the limitations of Claim 1. For example, Ellis I does not disclose 1) "recording first video data associated with a first plurality of display contents using a preference engine to select the display content;" 2) "defining a third plurality of display contents based upon available broadcast display contents during the viewing session and selected based upon the preference engine;" and 3) "displaying a menu screen of viewing choices, wherein the menu screen comprises at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents" as recited by Claim 1.

Applicants submit that Ellis I does not disclose “recording first video data associated with a first plurality of display contents using a preference engine to select the display content” as recited by Claim 1. Ellis I at paragraphs [0066]-[0067] instead discloses displaying a “recording directory display screen 900” (shown in FIG. 9 of Ellis I) that provides the user with a list of programs selected for recording, which can include listings of programs already recorded and listings of programs scheduled to be recorded. However, Ellis I only discloses that the programs are selected to be recorded by the **user** (by selecting the “recording option 506” as shown in FIG. 5) and therefore these selections are not made by a preference engine.

Ellis I also does not disclose “defining a third plurality of display contents based upon available broadcast display contents during the viewing session and selected based upon the preference engine” as recited by Claim 1. Ellis I only discloses that the user selects which broadcasted display contents are to be recorded or viewed from a display screen that depicts scheduled broadcasts (*see, e.g.*, paragraph [0065] and FIG. 8 of Ellis I). Ellis I does not disclose that a preference engine selects the display content.

Moreover, Ellis I fails to disclose or suggest “displaying a menu screen of viewing choices, wherein the menu screen comprises at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents” as recited by Claim 1. Since Ellis I does not disclose “a first plurality of display contents” or “a third plurality of display contents” as recited in Claim 1, Ellis I cannot possibly disclose “displaying a menu screen of viewing choices, wherein the menu screen comprises at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents.”

Thus, Ellis I does not disclose all the limitations of Claim 1. Therefore, Applicants submit that Claim 1 is patentably distinguished over Ellis I. Each of Claims 2 and 3 depends from Claim 1, so each of Claims 2 and 3 includes all of the limitations of Claim 1 as well of other limitations of particular utility. Therefore, Applicants submit that Claims 2 and 3 are patentably distinguished over Ellis I. Applicants respectfully request that the Examiner withdraw the rejection of Claims 1-3 and pass these claims to allowance.

Claims 12-14

As previously presented, Claim 12 recites (emphasis added):

12. A video system, comprising:

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an input port configured to receive display contents including a plurality of broadcast display contents;

an output port configured to couple to a video display;

**a preference engine** coupled to the input port, the preference engine configured to track viewer selections of the broadcast display contents and to create a viewer profile;

a storage device coupled to the input port, the output port and the preference engine, the storage device configured to record first video data associated with a first plurality of display contents according to the viewer profile and to record second video data associated with a second plurality of display contents upon a viewer selecting the display content; and

a management module coupled to the preference engine and the storage device, the management module configured to define a third plurality of display contents based upon the available broadcast display contents for a viewing session and based upon the viewer profile, to create **a menu screen of viewing choices comprising at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents**, the menu screen being displayable on the video display from which a viewer can select a sequence of display contents for the viewing session.

Applicants submit that Ellis I does not disclose all the limitations of Claim 12. For example, Ellis I does not disclose “a preference engine” as recited by Claim 12. As another example, for similar reasons stated above with regard to Claim 1, Applicants submit that Ellis I does not disclose “a menu screen of viewing choices comprising at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents,” as recited by Claim 12. Applicants therefore submit that Claim 12 is patentably distinguished over Ellis I.

Claim 13 depends from Claim 12, and Claim 14 depends from Claim 13. Therefore, each of Claims 13 and 14 includes the limitations of Claim 12 as well as other limitations of particular utility, and Applicants submit that Claims 13 and 14 are patentably distinguished over Ellis I. Applicants respectfully request that the Examiner withdraw the rejection of Claims 12-14 and pass these claims to allowance.

#### **Response to Rejection of Claims 4-5, 8-11, and 16 Under 35 U.S.C. § 103(a)**

In the October 3, 2006 Office Action, the Examiner rejects Claims 4-5, 8-11, and 16 as being unpatentable over Ellis I in view of U.S. Patent Publication No. 2004/0117831 (“Ellis II”).

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Claims 4-5 and 8-11

Applicants submit that Ellis II does not disclose or suggest all the limitations of Claim 1 that are not disclosed or suggested by Ellis I. For example, Applicants submit that Ellis II does not disclose or suggest “displaying a menu screen of viewing choices, wherein the menu screen comprises at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents,” as recited by Claim 1. While Ellis II discloses various listing screens, Ellis II does not disclose or suggest a menu screen that displays **all** the display contents recited by Claim 1.

For example, Ellis II at paragraph [0130] describes a listing screen entitled “Hot Movies” (shown in Figure 8 of Ellis II) which “may include movies available on demand, movies the user has previously recorded, as well as scheduled movies as shown in list 162. ... Movies may also be included based on matching user profile preferences as shown in list 164.” The list of movies selected to be displayed in this listing screen may also be determined by the program guide based on the user’s viewing habits, as disclosed by Ellis II at paragraph [0131]. However, nowhere does Ellis II disclose that this listing screen includes recorded movies which were selected for recording using a preference engine to select the display content.

As a further example, Ellis II at paragraph [0148] describes a listing screen entitled “Recorded Programs” (shown in Figure 19 of Ellis II) which “provides listing 271 of programs that have been previously recorded for the user. These programs may have been recorded because of a specific user request, or based on user preferences.” Nowhere does Ellis II disclose that this listing screen includes broadcast display content which is available during the viewing session and selected based upon the preference engine.

Thus, while Ellis II discloses multiple listing screens, Ellis does not disclose or suggest displaying a menu screen comprising “at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents,” as recited by Claim 1.

As described above, Ellis I does not disclose all the elements of Claim 1. Ellis II does not disclose or suggest the limitations of Claim 1 that are not disclosed or suggested by Ellis I. Therefore, Applicants submit that Claim 1 is patentably distinguished over the combination of Ellis I and Ellis II.

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Each of Claims 4-5 and 9 depends from Claim 1, Claim 8 depends from Claim 4, Claim 10 depends from Claim 9, and Claim 11 depends from Claim 10. Therefore, each of Claims 4-5 and 8-11 includes the limitations of Claim 1 as well as other limitations of particular utility, and Applicants submit that Claims 4-5 and 8-11 are patentably distinguished over Ellis I in view of Ellis II. Applicants respectfully request that the Examiner withdraw the rejection of Claims 4-5 and 8-11 and pass these claims to allowance.

**Claim 16**

Similar to the reasons stated above with regard to Claim 1, Applicants submit that Ellis II does not disclose “a menu screen of viewing choices comprising at least one of the first plurality of display contents, at least one of the second plurality of display contents and at least one of the third plurality of display contents.” Therefore, Ellis II does not disclose or suggest the limitations of Claim 12 that are not disclosed or suggested by Ellis I. Applicants therefore submit that Claim 12 is patentably distinguished over Ellis I in view of Ellis II.

Claim 16 depends from Claim 12. Therefore, Claim 16 includes the limitations of Claim 12 as well as other limitations of particular utility, and Applicants submit that Claim 16 is patentably distinguished over Ellis I in view of Ellis II. Applicants respectfully request that the Examiner withdraw the rejection of Claim 16 and pass this claim to allowance.

**Response to Rejection of Claims 6 and 7 Under 35 U.S.C. § 103(a)**

In the October 3, 2006 Office Action, the Examiner rejects Claims 6 and 7 as being unpatentable over Ellis I in view of Ellis II, as applied to Claims 1 and 3-4, and further in view of U.S. Patent No. 6,240,240 issued to Nagano et al. (“Nagano”).

As described above, the combination of Ellis I and Ellis II does not disclose or suggest all the elements of Claim 1. Applicants submit that Nagano does not disclose or suggest the limitations of Claim 1 that are not disclosed or suggested by the combination of Ellis I and Ellis II. Therefore, Applicants submit that Claim 1 is patentably distinguished over Ellis I in view of Ellis II and further in view of Nagano. Claim 6 depends from Claim 4, which depends from Claim 1, and Claim 7 depends from Claim 6. Therefore, each of Claims 6 and 7 includes all the limitations of Claim 1 as well as other limitations of particular utility, and Applicants submit that Claims 6 and 7 are patentably distinguished over Ellis I in view of Ellis II and further in view of Nagano. Applicants respectfully request that the Examiner withdraw the rejection of Claims 6 and 7 and pass these claims to allowance.

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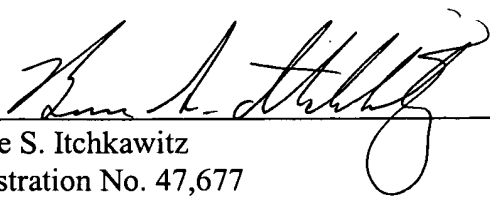
**Summary**

For at least the foregoing reasons, Applicants submit that Claims 1-16 are in condition for allowance, and Applicants respectfully request such action.

Respectfully submitted,

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